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Attorneys for Plaintiff  
OLEWASAMI BROWN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|                                |   |
|--------------------------------|---|
| OLEWASAMI BROWN ,              | ) No. C-03-1141-TEH                     |
|                                | )                                       |
| Plaintiff,                     | ) <b>PLAINTIFF'S NOTICE OF MOTION</b>   |
|                                | ) <b>AND MOTION FOR DISMISSAL,</b>      |
| v.                             | ) <b>WITHOUT PREJUDICE, OF NAMED</b>    |
|                                | ) <b>DEFENDANTS CITY OF OAKLAND,</b>    |
| OFFICERS JOHN L. GUTIERREZ, R. | ) <b>OFFICERS BERGERON, J. FARRELL,</b> |
| WINDGATE, T. F. ABEROUE, E.    | ) <b>M. RODRIGUEZ, R. LEE, D.</b>       |
| RICHOLT, and, DOES 1-100,      | ) <b>UNDERWOOD, AND H. KIDD, AND</b>    |
|                                | ) <b>SGT. B. BROCK; ORDER</b>           |
| Defendants.                    | ) <b>[Jury Trial Demanded]</b>          |
| _____                          | ) Trial Date: June 6, 2006              |

**NOTICE**

PLAINTIFF hereby gives notice, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1), that he is moving to dismiss and dismissing without prejudice named DEFENDANTS CITY OF OAKLAND, OFFICERS BERGERON, J. FARRELL, M. RODRIGUEZ, R. LEE, D. UNDERWOOD, AND H. KIDD, AND SGT. B. BROCK.

PLAINTIFF'S NOTICE OF MOTION AND MOTION  
FOR DISMISSAL, WITHOUT PREJUDICE, OF NAMED  
DEFENDANTS CITY OF OAKLAND, OFFICERS BERGERON,  
J. FARRELL, M. RODRIGUEZ, R. LEE, D. UNDERWOOD,  
AND H. KIDD, AND SGT. B. BROCK; ORDER  
*Brown. v. City of Oakland, et al. (No. C-03-1141-TEH)*

1 By agreement with the defense, the dismissed defendants shall be subject to being called  
2 a trial of this matter upon reasonable notice to defense counsel.

3  
4 Date: \_\_\_\_\_

/S/

Law Office of Russell A. Robinson  
Attorneys for Plaintiff  
OLEWASAMI BROWN

7  
8 **ORDER**

Based on the above, and good cause appearing,

9 The Court hereby orders as follows:

10 Defendants CITY OF OAKLAND, OFFICERS BERGERON, J. FARRELL, M.  
11 RODRIGUEZ, R. LEE, D. UNDERWOOD, AND H. KIDD, AND SGT. B. BROCK are hereby  
12 dismissed without prejudice, each side to bear its own costs and fees.

13 The individual defendants shall appear at trial to testify as witnesses at mutually  
14 convenient times to be arranged through counsel of record in advance of the ~~June 6, 2006, trial.~~  
15 trial, the date of which is yet to be determined.

**IT IS SO ORDERED.**

16  
17 Date: 4/25/06



HONORABLE THELTON E. HENDERSON  
United States District Court, N.Dist. of California